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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,395	01/09/2007	Hubert Gillissen	293612US6PCT	6277
22850 7590 12/30/2009 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HOWELL, DANIEL W				
ART UNIT		PAPER NUMBER		
3726				
NOTIFICATION DATE		DELIVERY MODE		
12/30/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/586,395

**Applicant(s)**

GILLISSEN, HUBERT

**Examiner**

Daniel W. Howell

**Art Unit**

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14, 18, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 6-13, 15-17 and 19-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS-08)  
Paper No(s)/Mail Date 9-11-07, 10-16-06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

1. Claims 6-13, 15-17, 19-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
2. Claims 1-5, 14, 23, and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 sets forth the limitation “first and second means to fix the hole-saw...” This is not conventional language for a means plus function claim, and the language should be modified appropriate to clearly set forth means plus function or not. The phrase “rotationally respectively axially” in claim 1 does not make sense. Claim 14 begins, “An adapter...,” but then it sets forth limitations relative to the shape of an arbor. Thus, it is not clear if Applicant desires to claim an adapter or the combination of an arbor with an adapter. In claim 23, the phrases “in particular” and “such as” do not provide sufficient clarity to determine what the scope of the claim is. Claim 25 begins, “The combination of a **tool** and an **adapter**...” Claim 25 then discusses the adapter relationship with **manually releasable locking means**. What is the desired subject matter here? One can’t tell if Applicant is claiming only the **tool** plus the adapter, or if Applicant is claiming the tool plus the adapter plus some kind of holder.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Despres (2002/0037201). Figures 16, 18, and 19 show the combination of a tool F and an adapter 110.
5. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Ecker (5226762). Tool 32 has a sleeve 28 that slides onto the tool end of arbor 12, and the tool end has a collar 14 with pins 16a, 16b, that fit into holes 34a, 34b, in order to rotationally fix the tool and pin 26 that axially locks the tool.
6. Claims 1, 18, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sutton et al (5082403). Arbor 8 has a uniform thread 54 over almost all of its length, permitting the hole saw 32 to rotationally slide over the arbor. The arbor has a flange 56 that contacts surface 40 on the hole saw to axially lock the two, and pin 50 rotationally locks the two together.
7. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Littlehorn (5076741). A collar is placed on the rear of hole saw 12, and it has two holes 23, 24. Threaded hole 16 has the same shape as adapter thread 18. Regarding claim 1, threads 18 position the tool axially, and pins 21 position the tool rotationally.

8. Claims 24 and 25 are rejected under 35 U.S.C. 102(c) as being anticipated by Rudolph (6705807). Figures 14 and 15 show a tool and an adapter 140. Note that the adapter has inward prongs 146 that will be used to rotationally and axially lock the tool on locking means. Figures 2-4c show those locking means on an arbor 34. The arbor has projections 72, 74, on either side of slots 76. Projections 46, 146, on the tool are moved axially between the three pairs of projections and then twisted slightly to locate the projections 46, 146, within slot 76. Sleeve 80 is then moved forward into grooves 44, 144, to lock the tool axially and rotationally.

9. Claims 18, 24, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Nuss et al (6623220). Figure 2 shows a tool 12 and adapter 18. The adapter has a hexagonal outer shape plus an annular groove. The arbor 16 of figure 3 has a central hole having a corresponding hex shape, and ball 32 is cammed into the annular groove, such that the tool and adapter are rotationally and axially locked in place.

10. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Malone, Jr (6007279). Figure 7 shows an adapter for hole saw 48 having two holes 22 to aid in connection to the hole saw by screws 42.

11. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the line quality of the present drawings is quite poor. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

12. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office

Art Unit: 3726

hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, David Bryant, may be reached at 571-272-4526.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3726 at the top of your cover sheet.

/Daniel W. Howell/

Primary Examiner, Art Unit 3726